

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

WILLIAM SUCHOCKY,

Plaintiff,

v.

HARTER, A JAMI COMPANY; HARTER CHAIR
CORPORATION; HARTER CHAIR CORPORATION,
D/B/A HARTER CORPORATION; JAMI, INC.;
JSJ FURNITURE CORP.; and JSJ CORPORATION,

Defendants.

Case No. 1:18-CV-06449

JSJ FURNITURE CORPORATION,

Third-Party Plaintiff,

v.

TECHNE SEATING COMPONENTS,

Third-Party Defendant.

**JSJ FURNITURE CORPORATION'S THIRD-PARTY COMPLAINT AGAINST
TECHNE SEATING COMPONENTS**

NOW COMES Defendant/Third-Party Plaintiff, JSJ FURNITURE CORPORATION, ("JSJ Furniture") incorrectly sued as Harter, a Jami Company, Harter Chair Corporation, Harter Chair Corporation d/b/a Harter Corporation, and Jami, Inc., by and through its attorneys, FISHER KANARIS, P.C., pursuant to Federal Rule of Civil Procedure 14(a), and for its Third-Party Complaint against Techne Seating Components, respectfully states as follows:

PARTIES

1. Defendant/Third-Party Plaintiff, JSJ Furniture is a Michigan corporation with its principal place of business in Grand Haven, Michigan.

2. Upon information and belief, Third-Party Defendant, Techne Seating Components (“Techne Seating”) is a Canadian corporation with its principal place of business in Pointe-Claire, Québec.

JURISDICTION AND VENUE

3. This Court has original jurisdiction over this claim pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between the parties, and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated in this District.

Facts and Allegations Common to All Counts

5. On March 9, 2018, Plaintiff, William Suchocky (“Suchocky”), filed his Complaint against JSJ Furniture, and others, in the Supreme Court of the State of New York, County of Rockland, Index No. 031339/2018. (“State Court Action”).

6. On July 17, 2018, JSJ Furniture removed the State Court Action to this Court.

7. Suchocky’s Complaint alleges that on April 26, 2015, Suchocky was injured when a chair, manufactured by JSJ Furniture, among others, collapsed suddenly and without warning.

8. On July 24, 2018, JSJ Furniture filed its Answer and Affirmative Defenses to Suchocky’s Complaint (which denies the material allegations). The aforesaid Answer and Affirmative Defenses are incorporated by reference as though fully set forth herein.

9. On or before December 2005, Third-Party Defendant, Techne Seating, was a Canadian corporation and engaged in the business of designing, engineering, manufacturing, building, modifying, distributing and selling seating components to be used and incorporated in office furniture sold within the State of New York.

10. If Plaintiff's allegations are true, or before December 2005, Third-Party Defendant, Techne Seating, designed, engineered, manufactured, built, modified, distributed, and sold the seating base that is the subject of this litigation.

11. At all times relevant, Third-Party Defendant, Techne Seating, had a duty to design, engineer, manufacture, build, modify, distribute, and sell seating components so that it is neither defective nor unreasonably dangerous when put to the use for which it was designed, engineered, manufactured, built, modified, distributed, and sold.

12. If Plaintiff's allegations are true, at the time the subject seating base left the possession of Third-Party Defendant, Techne Seating, and at the time the subject seating base entered the stream of commerce, the subject seating base was in an unreasonably dangerous and defective condition, and those defects included, but are not limited to, the following:

- a. The seating base was defectively designed, engineered, manufactured, built, modified, distributed, and sold so that there was excessive porosity present within the legs caused by gas entrapment;
- b. The seating base was defectively designed, engineered, manufactured, built, modified, distributed, and sold so that there was an incorrect chemical composition of the allow as a result of poor quality control measures during the melt/casting process;
- c. The seating base was defectively designed, engineered, manufactured, built, modified, distributed, and sold so that the base was inadequate or under-sized which created legs lacking sufficient safety margins;
- d. The seating base was defectively designed, engineered, manufactured, built, modified, distributed, and sold so that there was a gouge or nick leftover from after the manufacturing process located at the bottom edge of the leg;
- e. The seating base was otherwise unreasonably dangerous and defective.

13. At all times relevant, JSJ Furniture did not alter or modify the subject seating base before it was placed in the stream of commerce.

14. Notwithstanding JSJ Furniture's denials, if JSJ Furniture is found liable to Suchocky, it was not due solely to its conduct, but was also due to the conduct of Third-Party Defendant, Techne Seating, as set forth in Paragraph 12.

COUNT I – CONTRIBUTION
(NY CPLR § 1401 et seq.)

15. JSJ Furniture repeats and realleges Paragraphs 1 through 14 as though fully set forth herein.

16. At all times relevant, Article 14 of the New York Civil Practice Law and Rules was in full force and effect, which provides for contribution according to relative culpability when two or more persons or entities may be subject to liability arising from the same personal injury.

17. As a direct and proximate result of the conduct of Third-Party Defendant, Techne Seating, as set forth in Paragraph 12, JSJ Furniture may be found liable to Suchocky for his alleged damages.

18. If JSJ Furniture is found liable to Suchocky, which liability has been expressly denied, then JSJ Furniture is entitled to contribution from Third-Party Defendant, Techne Seating, pursuant to NY CPLR § 1401 et seq., and JSJ Furniture will be entitled to equitable.

WHEREFORE, Defendant/Third-Party Plaintiff, JSJ FURNITURE CORPORATION, respectfully requests that if judgment is entered in favor of Plaintiff and against Defendant/Third-Party Plaintiff JSJ Furniture, then judgment be entered against Third-Party Defendant Techne Seating Components, and in favor of Defendant/Third-Party Plaintiff JSJ Furniture, in such amount by way of contribution as will be commensurate with the relative degree of culpability attributable to each party.

Count II
Common Law Indemnity

19. JSJ Furniture repeats and realleges Paragraphs 1 through 14 as though fully set forth herein.

20. As a direct and proximate result of the conduct of Third-Party Defendant, Techne Seating, as set forth in Paragraph 12, JSJ Furniture may be found liable to Suchocky for his alleged damages.

21. JSJ Furniture is free from negligence and any liability of JSJ Furniture to Suchocky would be solely based on the conduct of Third-Party Defendant, Techne Seating.

22. But for the conduct of Third-Party Defendant, Techne Seating, as set forth in Paragraph 12, which created JSJ Furniture's potential liability to Suchocky, JSJ would have no liability to Suchocky.

23. If JSJ Furniture is found liable to Suchocky, which liability has been expressly denied, then JSJ Furniture is entitled to indemnification from Third-Party Defendant, Techne Seating, in an amount corresponding to any judgment entered for Suchocky against JSJ Furniture.

WHEREFORE, Defendant/Third-Party Plaintiff, JSJ FURNITURE CORPORATION, respectfully requests that if judgment is entered in favor of Plaintiff and against Defendant/Third-Party Plaintiff JSJ Furniture, then judgment be entered against Third-Party Defendant Techne Seating Components, and in favor of Defendant/Third-Party Plaintiff JSJ Furniture, in the same amount, plus any other relief as this Court deems appropriate and just.

Dated: New York, New York
August 6, 2018

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: 

Ellen Greiper

Attorneys for Defendants

JSJ FURNITURE CORPORATION,

incorrectly sued as Harter, a Jami Company,

Harter Chair Corporation, Harter Chair

Corporation d/b/a Harter Corporation, and

Jami, Inc., and JSJ CORPORATION

77 Water Street, 21st Floor

New York, New York 10005

(646) 783-1727

TO:

Techne Seating Components
332 Rue Avro Pointe Claire
PQ H9R 5W5 Canada

LAW OFFICES OF RANERI, LIGHT & O'DELL, PLLC

Attorneys for Plaintiff

WILLIAM SUCHOCKY

150 Grand Street, Suite 502

White Plains, New York 10601

(914) 948-5525

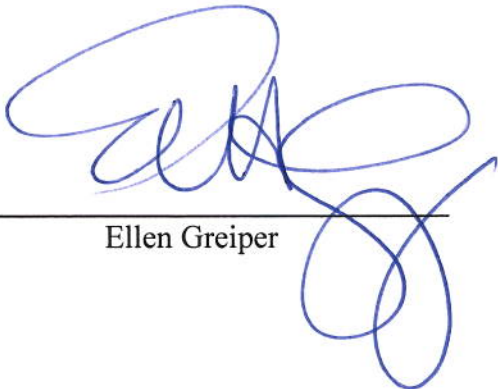
CERTIFICATE OF SERVICE

I hereby certify that August 7, 2018, the foregoing document, **JSJ FURNITURE CORPORATION'S THIRD-PARTY COMPLAINT AGAINST TECHNE SEATING COMPONENTS** was served by regular mail upon the following party and participant:

Techne Seating Components
332 Rue Avro Pointe Claire
PQ H9R 5W5 Canada

LAW OFFICES OF RANERI, LIGHT & O'DELL, PLLC
150 Grand Street, Suite 502
White Plains, New York 10601
(914) 948-5525

Dated: New York, New York
August 7, 2018



Ellen Greiper

Complaints and Other Initiating Documents

7:18-cv-06449-CS Suchocky v.
Harter A Jami Company et al

ECF

U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered by Greiper, Ellen on 8/9/2018 at 4:51 PM EDT and filed on 8/9/2018

Case Name: Suchocky v. Harter A Jami Company et al

Case Number: 7:18-cv-06449-CS

Filer: JSJ Furniture Corporation

Document Number: 7

Docket Text:

THIRD PARTY COMPLAINT against TECHNE SEATING COMPONENTS. Document filed by JSJ Furniture Corporation.(Greiper, Ellen)

7:18-cv-06449-CS Notice has been electronically mailed to:

Ellen H. Greiper egreiper@goldbergsegalla.com, ellen.greiper@lewisbrisbois.com, khjohnson@goldbergsegalla.com

7:18-cv-06449-CS Notice has been delivered by other means to:

JSJ Furniture Corporation

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

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Complaints and Other Initiating Documents[7:18-cv-06449-CS Suchocky v. Harter A Jami Company et al](#)

ECF

U.S. District Court**Southern District of New York****Notice of Electronic Filing**

The following transaction was entered by Greiper, Ellen on 8/7/2018 at 3:43 PM EDT and filed on 8/7/2018

Case Name: Suchocky v. Harter A Jami Company et al

Case Number: [7:18-cv-06449-CS](#)

Filer: JSJ Furniture Corp.

Document Number: [6](#)

Docket Text:

THIRD PARTY COMPLAINT against JSJ Furniture Corp., TECHNE SEATING COMPONENTS. Document filed by JSJ Furniture Corp..(Greiper, Ellen)

7:18-cv-06449-CS Notice has been electronically mailed to:

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khjohnson@goldbergsegalla.com

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The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

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Complaints and Other Initiating Documents[7:18-cv-06449-CS Suchocky v. Harter A Jami Company et al](#)

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